

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

**J.M., individually and as Parent and Next Friend
of R.M. a Child with a Disability,**

Plaintiffs,
vs.

**MEXICO ACADEMY AND CENTRAL
SCHOOL DISTRICT,**

Defendant.

Lead Case
5:2008-cv-1079
(NAM/GJD)

Member Case
5:2009-cv-0209
(NAM/GJD)

APPEARANCES:

Office of Andrew K. Cuddy
5888 Main Street
Williamsville, NY 14221
Attorney for Plaintiffs

OF COUNSEL:

Jason H. Sterne, Esq.

Office of Frank W. Miller
6575 Kirkville Road
East Syracuse, NY 13057
Attorney for Defendant

Frank W. Miller, Esq.

Norman A. Mordue, Chief U.S. District Judge:

**JUDGMENT DISMISSING ACTION
BASED UPON SETTLEMENT**

Pursuant to the settlement conference held on December 10, 2009, the parties have entered into an agreement in settlement of all claims in the above-titled cases, and that they reasonably anticipate finalizing their agreement shortly, following which the actions will be discontinued, with prejudice, by stipulation pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure. Based upon this development, I find that it is not necessary for this action to remain on the court's active docket.

It is therefore hereby

ORDERED that the above-captioned cases are hereby **DISMISSED** in their entirety **without prejudice** to re-opening upon the motion within thirty (30) days of the date of the filing of this order upon a showing that the settlement was not consummated; and it further

ORDERED that the dismissal of the above-captioned cases shall become **with prejudice** on the thirty-first day after the date of the filing of this order unless a party moves to re-open the cases within thirty (30) days of the date of the filing of this order upon a showing that the settlement was not consummated; and

3) The Clerk shall serve copies of this Judgment upon counsel in this matter by electronic means.

Dated: December 11, 2009
Syracuse, New York


Norman A. Mordue
Chief United States District Court Judge